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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,750	09/30/2003	Ralf Salameh	71027-008	8001

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EXAMINER	
PATEL, VISHAL A	

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,750	SALAMEH, RALF	
	Examiner	Art Unit	
	Vishal Patel	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-12,14 and 16-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-12,14 and 16-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-12, 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surbrook et al (US. 5,662,337) in view of Cardis et al (US. 4,535,996).

Surbrook discloses a sealing element seal comprising a sealing element (sealing element of figure 1) of an elastomeric material containing spaced-apart sealing profiles (beads 36 and 34). The sealing element also contains a support element (support element 32) and the support element is metal. The sealing element is flat seal (this is the case since the portions without the profile is flat). The sealing element has plurality of holes (holes 30). Surbrook discloses the invention substantially as claimed above but fails to disclose that the sealing element seal having at given intervals de-coupling elements that provide de-coupling, the de-coupling elements are made of elastomer material and the de-coupling elements having a generally hemi-spherical shape. Cardis discloses a flat sealing element seal comprising plurality of holes (132), between each hole a protrusion element (de-coupling element 140 between every two holes) that can be used for de-coupling and the protrusion element having a generally hemi-spherical shape (generally hemi-spherical shape of 140). The de-coupling element extends from the middle of the sealing element seal and has clearance from the edge of the sealing element seal. The de-coupling element has a height. The sealing element seal has a reinforcing element. It would have

been obvious to one having ordinary skill in the art at the time the invention was made to configure the sealing element seal that has the plurality of holes of Surbrook to have a protrusion between two adjacent holes as taught by Cardis to provide a secondary seal and easy installation (column 8, lines 30-40 of Cardis).

Regarding claim 14: The de-coupling element extends to the sealing profiles with a pre-determined side clearance (this is the case since Cardis teaches that the protrusion is in the center of the gasket).

Regarding claims 16-17: Sunbrook and Cardis disclose the claimed invention except that the de-coupling element occupy more than 50% of the area between the sealing profiles. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the de-coupling element to occupy more than 50% of the area between the sealing profiles as a matter of design choice.

Regarding claims 18-19: Sunbrook and Cardis disclose the claimed invention except that the de-coupling element has a height approximately 30-50% of the height of the sealing profiles. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to make the de-coupling elements height to be approximately 30-50% of the height of the sealing profiles as a matter of design choice.

3. Claims 8 and 16, 19 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammi et al (US. 6,640,859) in view of Cardis et al (US. 4,453,996).

Regarding claims 8 and 20-22:Hammi discloses a sealing element seal comprising a sealing element (sealing element of figure 1) of an elastomeric material containing spaced-apart sealing profiles (beads 60a and 64a). The sealing element also contains a support element (support element 12) and the support element is metal. The sealing profiles are located on both sides of a metallic reinforcement element (beads 68a and 70a). The sealing element is flat seal (this is the case since the portions without the profile is flat). The sealing element has plurality of holes (holes 40). Hammi discloses the invention substantially as claimed above but fails to disclose that the sealing element seal having at given intervals de-coupling elements that provide de-coupling, the de-coupling elements are made of elastomer material and the de-coupling elements having a generally hemi-spherical shape. Cardis discloses a flat sealing element seal comprising plurality of holes (132), between each hole a protrusion element (de-coupling element 140 between every two holes) that can be used for de-coupling and the protrusion element having a generally hemi-spherical shape (generally hemi-spherical shape of 140). The protrusions are on both sides of the flat sealing element seal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure both sides of the sealing element seal of Hammi to have de-coupling between adjacent holes as taught by to provide a secondary seal and easy installation (column 8, lines 30-40 of Cardis).

Regarding claim 16, 19 and 22: Hammi and Cardis disclose the claimed invention except that the de-coupling element occupy more than 50% of the area between the sealing profiles. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the de-coupling element to occupy more than 50% of the area between the sealing profiles as a matter of design choice.

Hammi and Cardis disclose the claimed invention except that the de-coupling element has a height approximately 30-50% of the height of the sealing profiles. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the de-coupling elements height to be approximately 30-50% of the height of the sealing profiles as a matter of design choice.

Response to Arguments

4. Applicant's arguments with respect to claims 8-12, 14 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
May 23, 2005

ALISON PICKARD
Primary Patent Examiner
Tech. Center 3600